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**Canada
and
St. Vincent and the Grenadines**

Agreement on social security between the Government of Canada and the Government of Saint Vincent and the Grenadines. Kingston, 6 January 1998

Entry into force: *1 November 1998, in accordance with article XXIV*

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**Canada
et
Saint-Vincent-et-les Grenadines**

Accord sur la sécurité sociale entre le Gouvernement du Canada et le Gouvernement de Saint-Vincent et les Grenadines. Kingston, 6 janvier 1998

Entrée en vigueur : *1^{er} novembre 1998, conformément à l'article XXIV*

Textes authentiques : *anglais et français*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT ON SOCIAL SECURITY
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF
SAINT VINCENT AND THE GRENADINES**

THE GOVERNMENT OF CANADA

AND

THE GOVERNMENT OF SAINT VINCENT AND THE GRENADINES,

hereinafter referred to as "the Parties",

RESOLVED to co-operate in the field of social security,

HAVE DECIDED to conclude an agreement for this purpose, and

HAVE AGREED AS FOLLOWS:

PART I
GENERAL PROVISIONS

ARTICLE I

Definitions

1. For the purposes of this Agreement.

“benefit” means, as regards a Party, any cash benefit, pension or allowance for which provision is made in the legislation of that Party and includes any supplements or increases applicable to such a cash benefit, pension or allowance; however, for the purposes of Articles VIII, IX and X, “benefit” does not include a grant payable under the legislation of Saint Vincent and the Grenadines;

“competent authority” means, as regards Canada, the Minister or Ministers responsible for the application of the legislation of Canada; and, as regards Saint Vincent and the Grenadines, the Minister responsible for the subject of National Insurance;

“competent institution” means, as regards Canada, the competent authority; and, as regards Saint Vincent and the Grenadines, the National Insurance Board;

“creditable period” means, as regards a Party, a period of contributions, whether paid or credited, or a period of residence used to acquire the right to a benefit under the legislation of that Party; as regards Canada, it also means a period during which a disability pension is payable under the *Canada Pension Plan*;

“legislation” means, as regards a Party, the laws and regulations specified in Article II(1) with respect to that Party.

2. Any term not defined in this Article has the meaning assigned to it in the applicable legislation.

ARTICLE II

Legislation to Which the Agreement Applies

1. This Agreement shall apply to the following legislation:
 - (a) with respect to Canada:
 - (i) the *Old Age Security Act* and the regulations made thereunder, and
 - (ii) the *Canada Pension Plan* and the regulations made thereunder;
 - (b) with respect to Saint Vincent and the Grenadines:

the *National Insurance Act* (Chapter 229 of the Laws of Saint Vincent and the Grenadines [Revised Edition] 1990) and the regulations made thereunder, as they relate to:

 - (i) contributory age benefit,
 - (ii) invalidity benefit,
 - (iii) survivor's benefit, and
 - (iv) funeral grant.
2. With regard to Part II only, this Agreement shall apply to all aspects of the *National Insurance Act* of Saint Vincent and the Grenadines and the regulations made thereunder.
3. Subject to paragraph 4, this Agreement shall also apply to laws and regulations which amend, supplement, consolidate or supersede the legislation specified in paragraphs 1 and 2.
4. This Agreement shall further apply to laws and regulations which extend the legislation of a Party to new categories of beneficiaries or to new benefits unless an objection on the part of that Party has been communicated to the other Party not later than 3 months following the entry into force of such laws and regulations.

ARTICLE III

Persons to Whom the Agreement Applies

This Agreement shall apply to any person who is or has been subject to the legislation of Canada and Saint Vincent and the Grenadines, and to the dependants and survivors of such a person within the meaning of the applicable legislation of either Party.

ARTICLE IV

Equality of Treatment

Any person who is or has been subject to the legislation of a Party and the dependants and survivors of such a person, shall be subject to the obligations of the legislation of the other Party and shall be eligible for the benefits of that legislation under the same conditions as citizens of the latter Party.

ARTICLE V

Export of Benefits

1. Unless otherwise provided in this Agreement, benefits payable under the legislation of a Party to any person described in Article III, including benefits acquired by virtue of this Agreement, shall not be subject to any reduction, modification, suspension, cancellation or confiscation by reason only of the fact that the person resides in the territory of the other Party, and they shall be paid in the territory of the other Party.
2. Benefits payable under this Agreement to a person who is or who has been subject to the legislation of both Parties, or to the dependant or survivors of such a person, shall be payable in the territory of a third State.

PART II
PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

ARTICLE VI
Rules Regarding Coverage

1. Subject to the following provisions of this Article:
 - (a) an employed person who works in the territory of one Party shall, in respect of that work, be subject only to the legislation of that Party; and
 - (b) a self-employed person who ordinarily resides in the territory of one Party and who works for his or her own account in the territory of the other Party or in the territories of both Parties shall, in respect of that work, be subject only to the legislation of the first Party.
2. An employed person who is subject to the legislation of a Party and who works in the territory of the other Party for the same employer shall, in respect of that work, be subject only to the legislation of the first Party as though that work were performed in its territory. In the case of an assignment, this coverage may not be maintained for more than 60 months without the prior consent of the competent authorities of both Parties.
3. A person who, but for this Agreement, would be subject to the legislation of both Parties in respect of employment as a member of the crew of a ship, vessel or aircraft shall, in respect of that employment, be subject only to the legislation of Canada if he or she ordinarily resides in Canada and only to the legislation of Saint Vincent and the Grenadines in any other case.
4. An employed person shall, in respect of the duties of a government employment for a Party performed in the territory of the other Party, be subject to the legislation of the latter Party only if he or she is a citizen thereof or ordinarily resides in its territory. In the latter case, that person may, however, elect to be subject only to the legislation of the first Party if he or she is a citizen thereof.

5. The competent authorities of the Parties may, by common agreement, modify the application of the provisions of this Article with respect to any persons or categories of persons.

ARTICLE VII

Definition of Certain Periods of Residence with Respect to the Legislation of Canada

1. For the purpose of calculating the amount of benefits under the *Old Age Security Act*:
 - (a) if a person is subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada during any period of presence or residence in Saint Vincent and the Grenadines, that period shall be considered as a period of residence in Canada for that person as well as for that person's spouse and dependants who reside with him or her and who are not subject to the legislation of Saint Vincent and the Grenadines by reason of employment or self-employment;
 - (b) if a person is subject to the legislation of Saint Vincent and the Grenadines during any period of presence or residence in Canada, that period shall not be considered as a period of residence in Canada for that person and for that person's spouse and dependants who reside with him or her and who are not subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada by reason of employment or self-employment; and
 - (c) if a person who is ordinarily resident in Saint Vincent and the Grenadines is present and employed in Canada and, in respect of that employment, is subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada, the period of presence and employment in Canada shall, only for purposes of this Agreement, be considered as a period of residence in Canada.

2. In the application of paragraph 1:
 - (a) a person shall be considered to be subject to the *Canada Pension Plan* or to the comprehensive pension plan of a province of Canada during a period of presence or residence in Saint Vincent and the Grenadines only if that person makes contributions pursuant to the plan concerned during that period by reason of employment or self-employment;
 - (b) a person shall be considered to be subject to the legislation of Saint Vincent and the Grenadines during a period of presence or residence in Canada only if that person makes compulsory contributions pursuant to that legislation during that period by reason of employment or self-employment; and
 - (c) sub-paragraph 1(c) shall apply only in respect of periods after the date of entry into force of this Agreement.

PART III

PROVISIONS CONCERNING BENEFITS

CHAPTER 1

TOTALIZING

ARTICLE VIII

Periods under the Legislation of Canada and Saint Vincent and the Grenadines

1. If a person is not eligible for a benefit because he or she has not completed sufficient creditable periods under the legislation of a Party, the eligibility of that person for that benefit shall be determined by totalizing these periods and those specified in paragraphs 2, 3 and 4, provided that the periods do not overlap.
2. (a) For purposes of determining eligibility for a benefit under the *Old Age Security Act* of Canada, a creditable period under the legislation of Saint Vincent and the Grenadines shall be considered as a period of residence in Canada;

- (b) For purposes of determining eligibility for a benefit under the *Canada Pension Plan*, a calendar year including at least 13 weeks which are creditable under the legislation of Saint Vincent and the Grenadines shall be considered as a year for which contributions have been made under the *Canada Pension Plan*.
3. For purposes of determining eligibility for a contributory age benefit under the legislation of Saint Vincent and the Grenadines:
- (i) a year commencing on or after January 1, 1987 which is a creditable period under the *Canada Pension Plan* shall be considered as 52 weeks for which contributions have been paid under the legislation of Saint Vincent and the Grenadines;
 - (ii) a week commencing on or after January 5, 1987 which is a creditable period under the *Old Age Security Act* of Canada and which is not part of a creditable period under the *Canada Pension Plan* shall be considered as a week for which contributions have been paid under the legislation of Saint Vincent and the Grenadines.
4. For the purposes of determining eligibility for an invalidity or a survivor's benefit under the legislation of Saint Vincent and the Grenadines, a year commencing on or after January 1, 1987 which is a creditable period under the *Canada Pension Plan* shall be considered as 52 weeks for which contributions have been paid under the legislation of Saint Vincent and the Grenadines.

ARTICLE IX

Periods under the Legislation of a Third State

If a person is not eligible for a benefit on the basis of the creditable periods under the legislation of the Parties, totalized as provided in Article VIII, the eligibility of that person for that benefit shall be determined by totalizing these periods and creditable periods under the legislation of a third State with which both Parties are bound by social security instruments which provide for totalizing of periods.

ARTICLE X

Minimum Period to be Totalized

Notwithstanding any other provision of this Agreement, if the total duration of the creditable periods accumulated by a person under the legislation of a Party is less than one year and if, taking into account only those periods, no right to a benefit exists under that legislation, the competent institution of that Party shall not be required to award benefits to that person in respect of those periods by virtue of this Agreement.

CHAPTER 2

BENEFITS UNDER THE LEGISLATION OF CANADA

ARTICLE XI

Benefits under the Old Age Security Act

1. If a person is eligible for an Old Age Security pension or a spouse's allowance solely through the application of the totalizing provisions of Chapter 1, the competent institution of Canada shall calculate the amount of the pension or spouse's allowance payable to that person in conformity with the provisions of the *Old Age Security Act* governing the payment of a partial pension or a spouse's allowance, exclusively on the basis of the periods of residence which may be considered under that Act.
2. Paragraph 1 shall also apply to a person outside Canada who would be eligible for a full pension in Canada but who has not resided in Canada for the minimum period required by the *Old Age Security Act* for the payment of a pension outside Canada.

3. Notwithstanding any other provision of this Agreement:
 - (a) an Old Age Security pension shall be paid to a person who is outside Canada only if that person's periods of residence, when totalized as provided in Chapter 1, are at least equal to the minimum period of residence in Canada required by the *Old Age Security Act* for the payment of a pension outside Canada; and
 - (b) a spouse's allowance and a guaranteed income supplement shall be paid to a person who is outside Canada only to the extent permitted by the *Old Age Security Act*.

ARTICLE XII

Benefits under the Canada Pension Plan

If a person is eligible for a benefit solely through the application of the totalizing provisions of Chapter 1, the competent institution of Canada shall calculate the amount of the benefit payable to that person in the following manner:

- (a) the earnings-related portion of such benefit shall be determined in conformity with the provisions of the *Canada Pension Plan*, exclusively on the basis of the pensionable earnings under that Plan; and
- (b) the flat-rate portion of the benefit shall be determined by multiplying:
 - (i) the amount of the flat-rate portion of the benefit determined in conformity with the provisions of the *Canada Pension Plan*

by
 - (ii) the fraction which represents the ratio of the periods of contributions to the *Canada Pension Plan* in relation to the minimum qualifying period required under that Plan to establish eligibility for that benefit, but in no case shall that fraction exceed the value of one.

CHAPTER 3
BENEFITS UNDER THE LEGISLATION OF SAINT VINCENT
AND THE GRENADINES

ARTICLE XIII

Calculating the Amount of Pension Payable

1. If a person is not eligible for a pension solely on the basis of the periods creditable under the legislation of Saint Vincent and the Grenadines, but is eligible for that pension through the application of the totalizing provisions of Chapter 1, the competent institution of Saint Vincent and the Grenadines shall calculate the amount of pension payable in the following manner:
 - (a) it shall first establish the rate of the pension which would be payable if the person qualified for the pension on the basis of creditable periods completed under the legislation of Saint Vincent and the Grenadines alone;
 - (b) it shall then multiply that rate by the fraction which represents the ratio of the actual creditable periods under the legislation of Saint Vincent and the Grenadines in relation to the minimum creditable period required to establish entitlement to that pension under that legislation.
2. Notwithstanding any other provision of this Agreement, where a grant is payable under the legislation of Saint Vincent and the Grenadines, but entitlement to a pension under that legislation can be established through the application of the totalizing provisions of Chapter 1, the pension shall be paid in lieu of the grant.
3. Where a grant was paid under the legislation of Saint Vincent and the Grenadines in respect of an event which happened before the date of entry into force of this Agreement, and where entitlement to a pension under that legislation is subsequently established through the application of the totalizing provisions of Chapter 1, the competent institution of Saint Vincent and the Grenadines may deduct from any pension payable any amount previously paid in the form of a grant.

PART IV
ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

ARTICLE XIV
Administrative Arrangement

1. The competent authorities of the Parties shall establish, by means of an administrative arrangement, the measures necessary for the application of this Agreement.
2. The liaison agencies of the Parties shall be designated in that arrangement.

ARTICLE XV
Exchange of Information and Mutual Assistance

1. The competent authorities and institutions responsible for the application of this Agreement:
 - (a) shall, to the extent permitted by the legislation which they administer, communicate to each other any information necessary for the application of this Agreement;
 - (b) shall lend their good offices and furnish assistance to one another for the purpose of determining eligibility for, or the amount of, any benefit under this Agreement, or under the legislation to which this Agreement applies, as if the matter involved the application of their own legislation; and
 - (c) shall communicate to each other, as soon as possible, all information about the measures taken by them for the application of this Agreement or about changes in their respective legislation in so far as these changes affect the application of this Agreement.

2. The assistance referred to in sub-paragraph 1(b) shall be provided free of charge, subject to any provision contained in an administrative arrangement concluded pursuant to Article XIV for the reimbursement of certain types of expenses.
3. Unless disclosure is required under the laws of a Party, any information about a person which is transmitted in accordance with this Agreement to that Party by the other Party is confidential and shall be used only for purposes of implementing this Agreement and the legislation to which this Agreement applies.

ARTICLE XVI

Exemption or Reduction of Taxes, Dues, Fees and Charges

1. Any exemption from or reduction of taxes, legal dues, consular fees and administrative charges for which provision is made in the legislation of a Party in connection with the issuing of any certificate or document required to be produced for the application of that legislation shall be extended to certificates or documents required to be produced for the application of the legislation of the other Party.
2. Any documents of an official nature required to be produced for the application of this Agreement shall be exempt from any authentication by diplomatic or consular authorities and similar formality.

ARTICLE XVII

Language of Communication

For the application of this Agreement, the competent authorities and institutions of the Parties may communicate directly with one another in any of the official languages of either Party.

ARTICLE XVIII

Submitting Claims, Notices and Appeals

1. Any claim, notice or appeal concerning eligibility for, or the amount of, a benefit under the legislation of a Party which should, for the purposes of that legislation, have been presented within a prescribed period to a competent authority or institution of that Party, but which is presented within the same period to an authority or institution of the other Party, shall be treated as if it had been presented to the competent authority or institution of the first Party. The date of presentation of the claim, notice or appeal to the authority or institution of the other Party shall be deemed to be the date of its presentation to the competent authority or institution of the first Party.

2. Subject to the second sentence of this paragraph, a claim for a benefit under the legislation of a Party made after the coming into force of the Agreement shall be deemed to be a claim for the corresponding benefit under the legislation of the other Party, provided that the applicant at the time of application:
 - (a) requests that it be considered an application under the legislation of the other Party, and/or

 - (b) provides information indicating that creditable periods have been completed under the legislation of the other Party.

The preceding sentence shall not apply if the applicant requests that his or her claim to the benefit under the legislation of the other Party be delayed.

3. In any case to which paragraph 1 or 2 applies, the authority or institution to which the claim, notice or appeal has been submitted shall transmit it without delay to the authority or institution of the other Party.

ARTICLE XIX

Payment of Benefits

1. (a) The competent institution of Canada shall discharge its obligations under this Agreement in the currency of Canada.
- (b) The competent institution of Saint Vincent and the Grenadines shall discharge its obligations under this Agreement:
 - (i) in respect of a beneficiary resident in Saint Vincent and the Grenadines, in the currency of Saint Vincent and the Grenadines;
 - (ii) in respect of a beneficiary resident in Canada, in the currency of Canada; and
 - (iii) in respect of a beneficiary resident in a third State, in any currency freely convertible in that State.
2. In the application of sub-paragraphs 1(b)(ii) and (iii), the conversion rate shall be the rate of exchange in effect on the day when the purchase is made.
3. Benefits shall be paid to beneficiaries free from any deduction for administrative expenses that may be incurred in paying the benefits.

ARTICLE XX

Resolution of Difficulties

1. The competent authorities of the Parties shall resolve, to the extent possible, any difficulties which arise in interpreting this Agreement according to its spirit and fundamental principles.
2. If within 6 months from the date the matter first arose the difficulty cannot be resolved, it shall be submitted at the request of one or both the Parties to an arbitration commission.

3. Unless the Parties mutually determine otherwise, the Commission shall consist of 3 arbitrators of whom each Party shall appoint one and the two arbitrators so appointed shall appoint a third who shall act as President; provided that, in default of agreement, the President of the International Court of Justice shall be requested to appoint the President.
4. The commission shall determine its own procedures.
5. The decision of the commission shall be final and binding.

ARTICLE XXI

Understandings with a Province of Canada

The relevant authority of Saint Vincent and the Grenadines and a province of Canada may conclude understandings concerning any social security matter within provincial jurisdiction in Canada in so far as those understandings are not inconsistent with the provisions of this Agreement.

PART V

TRANSITIONAL AND FINAL PROVISIONS

ARTICLE XXII

Transitional Provisions

1. Any creditable period completed before the date of entry into force of this Agreement shall be taken into account for the purpose of determining the right to a benefit under this Agreement and its amount.
2. No provision of this Agreement shall confer any right to receive payment of a benefit for a period before the date of entry into force of this Agreement.

3. Subject to paragraph 2, a benefit, other than a lump sum payment, shall be paid under this Agreement in respect of events which happened before the date of entry into force of this Agreement.

ARTICLE XXIII

Duration and Termination

1. This Agreement shall remain in force without any limitation on its duration. It may be terminated at any time by either Party giving 12 months' notice in writing to the other Party.
2. In the event of the termination of this Agreement, any right acquired by a person in accordance with its provisions shall be maintained and negotiations shall take place for the settlement of any rights then in course of acquisition by virtue of those provisions.

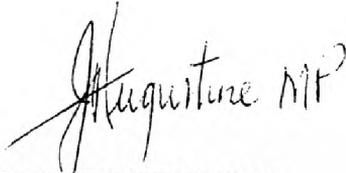
ARTICLE XXIV

Entry into Force

This Agreement shall enter into force, after the conclusion of the administrative arrangement referred to in Article XIV, on the first day of the fourth month following the month in which each Party shall have received from the other Party written notification that it has complied with all statutory requirements for the entry into force of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Kingstown, this 6th day of January, 1998, in the English and French languages, each text being equally authentic.



**FOR THE GOVERNMENT
OF CANADA**



**FOR THE GOVERNMENT
OF SAINT VINCENT AND
THE GRENADINES**